

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:)	CHAPTER 13
JAMES BARTLEY WILLIAMS)	CASE: A24-56725-JWC
)	
)	
DEBTOR)	

**CHAPTER 13 TRUSTEE'S OBJECTION TO CONFIRMATION
AND MOTION TO DISMISS CASE**

COMES NOW, Nancy J. Whaley, the Standing Chapter 13 Trustee herein, and objects to Confirmation of the plan for the following reasons:

1.

The Trustee was unable to conduct the Meeting of Creditors pursuant to 11 U.S.C. Section 341 because the Debtor has failed to file a plan.

2.

The Debtor has failed to file the sixty (60) days of pay advices pursuant to 11 U.S.C. Section 521(a)(1).

3.

The Debtor has failed to file a certificate of attendance for credit counseling in the appropriate district, in violation of 11 U.S.C. Section 109(h).

4.

All prior bankruptcy cases of the Debtor (18-64588; 19-67407), may not have been disclosed in possible violation of 11 U.S.C. Section 1325(a)(3).

5.

The Debtor has failed to make any payments to the Chapter 13 Trustee, thus indicating that this case may be infeasible in violation of 11 U.S.C. §1325(a)(6).

6.

The Debtor has not filed a plan as required by 11 U.S.C. Section 1321.

7.

The Chapter 13 Trustee is unable to determine the feasibility of the Debtor's Chapter 13 plan because Internal Revenue Service records indicate tax returns have not been filed for the period(s) ending December 31, 2023. The failure to file tax returns for the four (4) year period prior to the filing of the bankruptcy case is in violation of 11 U.S.C. Section 1308.

8.

The Debtor has failed to provide to the Trustee a copy of the 2023 tax return filed with Internal Revenue Service in violation of 11 U.S.C. Section 521(e)(2)(A).

9.

The Chapter 13 plan proposes to pay \$5363.00 to the Debtor's attorney for payment of attorney fees. The Trustee is unable to determine whether this is a reasonable fee and requests that Debtor's counsel appear at Confirmation and be prepared to present evidence to the Court regarding the reasonableness of the requested fee.

10.

The proposed plan does not include the revised local plan language for the payment of Attorney's Fees pursuant to General Order No. 42-2020. Further, the Rule 2016(b) Disclosure Statement fails to contain an assignment from the Debtor to his attorney for funds to be paid for attorney's fees upon pre-confirmation dismissal or conversion.

WHEREFORE, the Trustee moves the Court to inquire into the above objections, deny Confirmation of the Debtor's plan, and to dismiss the case.

This the 13th day of August, 2024.

Respectfully submitted,

/s/ _____
Nancy J. Whaley
Standing Chapter 13 Trustee
State Bar No. 377941

CERTIFICATE OF SERVICE

Case No: A24-56725-JWC

I certify that on this day I caused a copy of this Chapter 13 Trustee's Objection To Confirmation And Motion To Dismiss Case to be served via United States First Class Mail with adequate postage prepaid on the following parties at the address shown for each:

Debtor(s)

JAMES BARTLEY WILLIAMS
541 AUGUSTA DRIVE
CANTON, GA 30115

I further certify that I have on this day electronically filed the foregoing Chapter 13 Trustee's Objection To Confirmation And Motion To Dismiss Case using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

Attorney for the Debtor(s):

HAIT & KUHN

This the 13th day of August, 2024.

/s/ _____
Nancy J. Whaley
Standing Chapter 13 Trustee
State Bar No. 377941
303 Peachtree Center Avenue, NE
Suite 120
Atlanta, GA 30303
678-992-1201